

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**
Wednesday, July 18, 2007 – 9:00 a.m. – Room W025 House Building

Members Present:

Sen. Peter C. Knudson, Senate Chair
Rep. Glenn A. Donnelson, House Chair
Sen. Gregory S. Bell
Rep. Douglas C. Aagard
Rep. Ron Bigelow
Rep. DeMar Bud Bowman
Rep. Lorie D. Fowlke
Rep. Keith Grover
Rep. Neil A. Hansen
Rep. Neal B. Hendrickson
Rep. John G. Mathis
Rep. Curtis Oda
Rep. Larry B. Wiley

Members Absent:

Sen. Brent H. Goodfellow
Pres. John L. Valentine
Rep. Eric K. Hutchings

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Mr. Eric N. Weeks, Associate General Counsel
Ms. A. Brooke Ollerton, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Knudson called the meeting to order at 9:09 a.m.

MOTION: Rep. Donnelson moved to approve the minutes of the June 20, 2007 meeting. The motion passed unanimously.

2. Election Law Changes (draft legislation)

Mr. Weeks referred the Committee to 2008 General Session draft legislation, "Election Law Modifications" (2008FL-0178/003), which was distributed prior to the meeting. He outlined the major provisions of the bill regarding dates, the voter information pamphlet, disclosure requirements for candidates that own media outlets, and residency requirements for state and local offices. Chair Knudson solicited comments and discussion on the proposed contents of the bill.

Mr. Michael Cragun, Office of the Lieutenant Governor, and Mr. Scott Hogensen, chief deputy clerk, Summit County, indicated that they had collaborated the proposed contents of the bill and spoke in support of the bill.

Sen. Bell asked about the residency requirement for state legislators. He commented that the proposed requirement for the state school board should be the same as for other state officers. Mr. Weeks reviewed the state laws and explained that there is a constitutional requirement that legislative candidates be a resident of the state for three years and a resident of the district for six months, and a requirement that an executive branch state officer be a resident citizen of the state for five years.

Rep. Bigelow asked how "printed periodical" is defined in line 1328 of the bill. Mr. Weeks said it is not specifically defined in order to attempt to have the draft bill match language that had previously been deleted from that section. Rep. Bigelow also asked why Internet sites which are not related to a newspaper or television station are not included in line 1331. Mr. Weeks replied that internet sites were not included in the previously deleted language and that it was a policy choice that is subject to the will of the Committee.

MOTION: Sen. Bell moved to amend "Election Law Modifications" on line 2011 by deleting "one year" and inserting "six months".

Rep. Fowlke said the year-long residency requirement was reasonable because the candidate would have lived in the district through one school year.

Rep. Bigelow asked for the current state and district residency requirements for state and local school board members and for county and municipal officers. Mr. Weeks replied that there was currently no residency requirement for state and local school board members and that there is generally a one year residency requirement for county and municipal officers. Rep. Bigelow spoke against the motion.

Sen. Bell amended his motion by proposing to delete "one year as of the date of the election." and to insert "six consecutive months immediately prior to the last date provided by statute for filing for the office." to assure that the proposed amendment matched existing constitutional language.

The Committee discussed the motion.

Rep. Aagard said he would prefer to take more time to consider the bill and any amendments. He asked for a list of all the residency requirements for all offices.

Sen. Bell withdrew his motion.

Rep. Bigelow asked staff to propose clarifications on "newspaper or other printed periodical" and including Internet sites that are clearly news-related sites not affiliated with a newspaper or television media outlet in the disclosure requirement.

Mr. Cragun suggested changes to election law to (1) grant the lieutenant governor the authority to administer oaths when receiving declarations of candidacy, (2) make the requirements for political entities' financial disclosures more uniform, and (3) adjust the dates for statewide initiatives. He answered committee questions about the suggestions.

Mr. Weeks pointed out that significantly shortening the initiative signature gathering period may raise potential legal issues in light of Utah Supreme Court decisions on the issue. Rep. Fowlke asked staff to provide an analysis with respect to supreme court decisions on the issue.

MOTION: Rep. Aagard moved to direct staff to draft legislation that would (1) grant the lieutenant governor the authority to administer oaths when receiving declarations of candidacy, (2) make the requirements for political entities' financial disclosures more uniform, and (3) adjust the dates for statewide initiatives.

Rep. Bigelow requested that the motion be divided.

Chair Knudson called for a vote on the first part of the original motion to direct staff to draft legislation that would (1) grant the lieutenant governor the authority to administer oaths when receiving declarations of candidacy and (2) make the requirements for political entities' financial disclosures more uniform. The motion passed unanimously.

Chair Knudson called for a vote on the second part of the original motion to direct staff to draft legislation that would (3) adjust the dates for statewide initiatives. The motion failed with Rep. Wiley voting for the motion.

Mr. Hogensen proposed a number of changes to the election code regarding deadlines, signage, early voting, and other issues. Chair Knudson asked Mr. Hogensen to give staff a list of the recommendations he had proposed at the meeting so they could be adequately considered.

3. State Planning Coordinator Functions and Issues

Mr. John Nixon, Director, GOPB (Governor's Office of Planning and Budget), gave the history of state planning coordinator and how it functions within GOPB.

Mr. Michael Mower, State Planning Coordinator, GOPB, distributed "State Planning Coordinator" and "State and Local Planning Section, Summer 2007 Update." He introduced a number of his staff, talked about the organization of GOPB, and outlined his responsibilities. He answered committee questions.

Mr. John Bennett, Project Manager, GOPB, outlined the history, organization, and purpose of the Utah Advisory Council on Intergovernmental Relations and the Utah Intergovernmental Roundtable.

4. Recodification of Title 63, State Affairs in General -- Update

Mr. Christensen referred the Committee to "Proposed Reorganization Outline" and reminded the Committee that in the last meeting a motion was passed to recodify Title 63. He proposed to recodify Title 63 by breaking it into several new titles, chapters, and parts of the code. He emphasized that the recodification would focus on renumbering and fixing associated cross references and that language updates would be made only if necessary. He answered committee questions.

5. Other Items / Adjourn

MOTION: Rep. Bowman moved to adjourn. The motion passed unanimously.

Chair Knudson adjourned the meeting at 10:48 a.m.